

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America

v.

Antonio Valdez

#280 NMSR 74,

Ohkay Owingeh, New Mexico

Year of Birth 1991 SSN# xxx-xx-1694

Case No.

JUL 10 2015
MATTHEW J. DYKMAN
CLERK

15mj2428

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 25, 2015 in the county of Rio Arriba in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC 1152

18 USC 1111

18 USC 2

18 USC 3

The defendant, a non-Indian, for the crime of the unlawful killing of Benjamin Youngbear, a human being and an Indian, with malice aforethought, aiding and/or abetting and accessory after the fact while in Indian Country.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

JP Montowine

Complainant's signature

JP Montowine Jr special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

July 10, 2015

City and state:

Albuquerque, NM

Steven C. Karpovich

Judge's signature

Steven C. Karpovich

Printed name and title

U.S. Magistrate

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO
Albuquerque, New Mexico**

UNITED STATES OF AMERICA)
VS.)
Antonio Valdez)
Year of Birth 1991)
SSN xxx-xx-1694)
House No: 280, NMSR 74)
Ohkay Owingeh, NM, 87566)

Case No: _____

AFFIDAVIT

I, J.P. MONTOWINE, being duly sworn, depose, and say the following:

1. I am a Special Agent (SA) with the Bureau of Indian Affairs (BIA) assigned to the Northern Pueblos Agency, Ohkay Owingeh, New Mexico. My duties are to provide law enforcement services to the Eight Northern Indian Pueblos and other Indian Country Entities within the State of New Mexico. My primary duties are investigating violations of the Major Crimes Act, and Crimes under 18 USC 1152, which occur on the reservations to which I am assigned. I have twenty one total years of law enforcement experience with two different law enforcement entities. I have been with the Bureau of Indian Affairs, Office of Justice Services for eighteen years. I have completed the Basic Criminal Investigation Course at the Federal Law Enforcement Training Center in Glynco, Georgia and the Basic Police Training with the United States Indian Police Academy at the Federal Law Enforcement Training Center in Artesia, New Mexico. I have extensive in-service and technical training in different aspects of Law Enforcement. Investigations of Homicides, and Missing Persons are some of my responsibilities.
2. Because this affidavit is being submitted for the purpose of a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. The information set forth in this affidavit is known to me as a result of my own investigation, or has been communicated to me by other law enforcement officers and or agents. I have set forth facts I believe are necessary for the insurance of an arrest warrant for Antonio Valdez, a non-Indian for the unlawful killing of Benjamin Youngbear, a human being and an Indian, with malice aforethought while in Indian Country.

3. On May 27, 2015, Ohkay Owingeh Tribal Police Department (OOTPD) received a missing persons report on Benjamin Youngbear. Youngbear is an Indian of the Ohkay Owingeh and Northern Cheyenne Indian Tribes. Youngbear is an enrolled member of the Northern Cheyenne Indian Tribe.
4. Victim-1 of this investigation has been identified as Benjamin Youngbear, an Indian male. Benjamin Youngbear has a year of birth of 1986, Social Security Account Number of xxx-xx-1321 and an address of State Road 74, Chamita, New Mexico. He will be referred to as Youngbear for the remainder of this affidavit.
5. Suspect-1 of this investigation has been identified as Antonio Valdez, a Non-Indian male. Valdez has a year of birth of 1991, Social Security Account Number of xxx-xx-1694 and an address of State Road 74, Ohkay Owingeh, New Mexico.
6. Suspect-2 of this investigation has been identified as Jack Patterson, a Non-Indian male. Patterson has a year of birth of 1949, Social Security Number of xxx-xx-2221 and an address of State Road 74, Ohkay Owingeh, New Mexico.
7. Suspect-3 of this investigation has been identified as Joey Valdez, a non-Indian. Valdez has a year of birth of 1969, Social Security Number of xxx-xx-4139 and an address of State Road 74, Ohkay Owingeh, New Mexico.
8. On June 1, 2015, I interviewed Joey Valdez. He stated he heard rumors going around he shot Youngbear in the back. Joey stated people are saying he caught Youngbear beating up Antonio and he shot him. He denied killing Youngbear and claims he is not involved in his disappearance.
9. On June 1, 2015, I spoke with Antonio Valdez. Antonio stated he last saw Youngbear at the Espanola Hospital around 2:00 p.m., on Memorial Day, May 25, 2015. Antonio said this was the last time he saw Youngbear.
10. On June 3, 2015, at approximately 4:00 p.m., I interviewed Jack Patterson at his residence. Patterson denied any involvement in Youngbear's disappearance and gave us consent to search his property. During this search, I observed two (2) rectangular holes in the ground which resembled grave sites. They were approximately 3 feet deep. One (1) hole was on the northwest side and the other hole was on the southeast side of the residence. Patterson stated these holes were used to dump kitty litter, cat feces and human waste. There are large wood piles throughout the property.
11. On June 8, 2015, I interviewed a witness which I will refer to as Witness-1. Witness-1 is a store clerk at a local convenience store. Witness-1 stated Youngbear and Antonio Valdez came into the convenience store on Monday, May 25, 2015 sometime in the evening. Valdez bought a pack of cigarettes and then left with Youngbear.
12. Witness-1 further stated Antonio Valdez returned to the convenience store the following day and asked if he/she heard about Youngbear. Antonio Valdez then told he/her "we killed him and tried to bury him." Antonio then left the store.

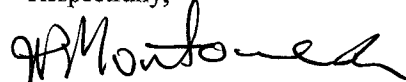
13. This conversation was captured on surveillance footage to include the evening of May 25, 2015 where Youngbear and Antonio are seen walking in together and leaving together.
14. On June 11, 2015, I interviewed a person which I will refer to as Witness-2. Witness-2 stated on the night of May 25, 2015, between the hours of 10:30 pm and 11:30pm he/she heard a loud gunshot come from the direction of Jack Patterson's residence. Witness-2 lives in the vicinity of Jack Patterson. Witness-2 stated Antonio Valdez came to his/her residence at approximately 2:00am asking to borrow his/her wheel barrel because he needed to haul something heavy.
15. On June 16, 2015, I received a call from a person I will refer to as Witness-3. Witness-3 stated Joey Valdez told him/her that his son Antonio Valdez killed Youngbear. Witness-3 agreed to speak with me in person at a later date. He/she stated he/she is fearful and feels her life could be endangered.
16. On June 25, 2015, Witness-3 called and advised Joey Valdez stated to him/her Antonio Valdez came into his mother's residence, had blood on his clothes and was in a panic in the early morning hours of May 26, 2015. Joey stated Antonio killed Youngbear.
17. On June 26, 2015, Federal Agents of the Bureau of Indian Affairs (BIA), Federal Bureau of Investigations (FBI) and Agents of the New Mexico State Police (NMSP) conducted a neighborhood canvass of the Chamita Community.
18. During this canvass BIA & NMSP Agents interviewed a person which will be referred to as Witness-4. Witness-4 stated Antonio was at his/her residence and told him/her he knows where Youngbear is buried. Antonio threatened Witness-4 not to say anything or he/she will end up like Youngbear. When Agents asked what he/she felt Antonio meant by this he replied, "Dead." Witness-4 stated "Antonio is crazy" and is scared of him.
19. BIA Agents interviewed a person which will be referred to as Witness-5. Witness-5 stated on May 25, 2015 at approximately 10:30p.m. He/she heard a loud "crash." Witness-5 went outside to investigate and smelled "gunpowder." Witness-5 stated he/she then heard Jack Patterson state, "You're a big boy, you will survive." Later, he/she heard Jack state, "Drag him over here." In addition Witness-5 heard the sounds of shovels and rakes being utilized. Witness-5 stated he/she is scared for his/her life and therefore did not come forward sooner.
20. On July 2, 2015, a search warrant was issued by U.S. Magistrate Judge Kirtan Khalsa for the search and seizure of the property at House No. 276 NMSR 74, Ohkay Owingeh, Rio Arriba County, New Mexico. The community is commonly referred to as Chamita and is Indian Country.
21. On Tuesday July 7, 2015 at approximately 6:45 am, Law Enforcement Agencies consisting of the U.S. Bureau of Indian Affairs, The Federal Bureau of Investigation, and the Ohkay Owingeh Tribal Police Department executed the search warrant for the property described in paragraph 20. During the seizure of the property, Jack R. Patterson was placed in investigative detention, and the property was seized, secured for crime scene processing.

22. During the search of the property a British 303 rifle (Firearm) was recovered from the residence and seized as evidence. No serial number was found on the rifle. The rifle was loaded with one round in the chamber, and ten rounds in the magazine.
23. The FBI Evidence Recovery Team discovered human remains in a gravesite on the southeast corner of the property. The remains were approximately four feet down and had concrete placed over them. The remains had tattoos fitting the description of those I have known the decedent to have from past encounters.
24. On July 7, 2015, Agents interviewed Jack Patterson. Prior to the interview Patterson was advised his Constitutional Rights. Patterson waived his rights and voluntarily agreed to provide a statement. Patterson initially denied having any involvement in the disappearance of Benjamin Youngbear and the first time he saw Youngbear was in a photograph shown to him by law enforcement. Patterson has since heard several rumors he shot and killed Youngbear and he denied having knowledge about Youngbear's whereabouts. Patterson was confronted once more and informed human remains were found on his property. Patterson stated, "It's about time!" Patterson told Agents on the evening of Memorial Day, Antonio Valdez came over to his residence to "bum" a cigarette at approximately 10:30 p.m. Antonio left his residence, returned approximately five (5) minutes later and Patterson heard Antonio yell, "He has a gun to my head!" Patterson was lying down, got up from his bed and looked out the front door. Antonio and another male were standing outside. Patterson saw an "AR-15 assault rifle" and the male individual told him, "Give me your money and your "motta!" Patterson keeps a 303 Caliber Infantry rifle near the door, he grabbed the rifle and pointed it at the male individual and told him to put down his weapon. The individual put the weapon down but started to raise the rifle so Patterson shot the male individual in the chest area. Patterson stated he tried to "chamber" another round but the rifle "jammed". Patterson stated the male individual dropped like a "paper bag." Antonio started yelling repeatedly, "Shoot him again!" Patterson said the individual was gurgling for approximately a minute until he was no longer breathing. There was blood "all over" the ground.
25. Patterson admitted he told Antonio to drag the body to the "kitty litter pit" located in the front of the residence. They buried the body in this pit for the night. The next day Antonio came over to his residence in a panic and was worried about the body being discovered. Patterson told Antonio to dig a pit near the southeast corner of his property. Antonio was digging for over an hour and the pit was very deep. They waited for it to get dark and at approximately 11:30 p.m., they "dug" up the body and dumped it into the new pit. Patterson stated Antonio then took a picture with his cellular phone of the body inside the new pit. Patterson instructed Antonio to erase the image as it would be evidence that can be used by law enforcement. They wrapped the body in plastic, poured bags of cement over the body while in the pit and covered the remains with dirt. Patterson said Antonio got the bags of cement from his residence. Patterson stated there was also a large pool of blood on the ground where Youngbear first came to rest after he was shot. Patterson told Antonio to pick up the pool of blood which seeped into the ground and placed it inside the pit. Antonio used a shovel and put the bloody dirt into the same pit where Youngbear was at.

26. Patterson stated about a week ago Antonio came over to his residence intoxicated. Antonio threatened Patterson he was going to put all the blame on him. Patterson stated Antonio was going to tell everyone he was a murderer and drug dealer. Patterson stated someone contacted law enforcement because they were arguing loudly in his yard. Patterson calmed Antonio down and walked Antonio back to his residence.
27. Based on the above information, probable cause exists to arrest Antonio Valdez, a non-Indian for the unlawful killing of Benjamin Youngbear, a human being and an Indian, with malice aforethought, aiding and/or abetting, and accessory after the fact while in Indian Country, in violation of Title 18. United States Codes, 1152, 1111, 2 and 3.

I swear this information is true to the best of my knowledge and belief.

Respectfully,



J.P. Montowine

Special Agent

Bureau of Indian Affairs

Signed before me this day of July 10th 2015.

U.S. Magistrate Judge 